

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA

DR. BARBARA BRUNDO,

Plaintiff,

vs.

CHRIST THE KING CHURCH OF  
OMAHA, And All Other Persons and  
Entities, Real Names Known or  
Unknown Party by statute or precedent;

Defendant.

**8:18CV41**

**MEMORANDUM  
AND ORDER**

This matter is before the court on Plaintiff's Motion for Extension of Time to File a Notice of Appeal pursuant to [Fed. R. App. P. 4\(a\)\(5\)](#). ([Filing No. 6.](#)) Plaintiff asks for an extension of 30 days from February 2, 2018, in which to file her notice of appeal.

On January 3, 2018, the court entered an order returning Plaintiff's original documents because the proposed filing lacked a legal basis or otherwise violated Rule 11 of the Federal Rules of Civil Procedure and Plaintiff is barred by prior order from filing such documents with the court in Case No. 8:08CV477. ([Filing No. 1.](#)) On February 5, 2018, Plaintiff filed a notice of appeal. ([Filing No. 2.](#)) In a letter dated February 9, 2018, the Clerk of the United States Court of Appeals for the Eighth Circuit informed Plaintiff that her notice of appeal appears to be untimely and informed Plaintiff of the procedure for filing a motion for an extension under [Federal Rule of Appellate Procedure 4\(a\)\(5\)](#). ([Filing No. 4.](#)) Plaintiff filed her motion for extension on March 2, 2018. ([Filing No. 6.](#))

Rule 4 of the Federal Rules of Appellate Procedure requires a party to file a notice of appeal within 30 days after the challenged judgment is entered. [Fed. R.](#)

[App. P. 4\(a\)\(1\)](#). Rule 4(a)(5) allows a party to move the district court to extend the time to file a notice of appeal if “(a) he moves no more than thirty days after the original thirty day deadline has passed, and (b) he shows good cause.” *Pugh v. Minnesota*, 380 Fed. Appx. 558, 559 (8th Cir. 2010) (emphasis added).

Here, Plaintiff has filed a timely motion to extend the time to file her notice of appeal. Liberally construed, Plaintiff asserts that, as a pro se litigant, she confused the requirements for timely filing with the provisions for completion of service in Rule 25 of the Federal Rules of Appellate Procedure. *Compare Fed. R. App. P. 25(a)(2)(A)* (“Filing may be accomplished by mail . . . , but filing is not timely unless the clerk receives the papers within the time fixed for filing.”) *with Fed. R. App. P. 25(c)(4)* (“Service by mail . . . is complete on mailing . . . .”). Plaintiff’s notice of appeal was mailed on February 1, 2018. (See [Filing No. 2 at CM/ECF pp.2–3](#).) For good cause shown, the court will extend the time in which Plaintiff had to file a notice of appeal in this matter. See *Fed. R. App. P. 4(a)(5)(A)*.

IT IS THEREFORE ORDERED that Plaintiff’s Motion for Extension of Time to File Notice of Appeal ([Filing No. 6](#)) is granted, and Plaintiff’s Notice of Appeal ([Filing No. 2](#)) is deemed timely filed.

Dated this 15th day of March, 2018.

BY THE COURT:

s/ *Richard G. Kopf*  
Senior United States District Judge